IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

Crl.Rev.Pet.No. 1173 of 2007()

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CRA.18/2006 of ADDL. SESSIONS JUDGE (ADHOC-II), ERNAKULAM
CC.319/2001 of ADDL.CHIEF JUDICIAL MAGISTRATE, ERNAKULAM

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REVN. PETITIONER: REVISION PETITIONER/APPELLANT/ACCCUSED

1. M/S.PARKSON B.SQUARE PROJECTS AND PROPERTIES PVT.LTD,A.P BUILDING G.V IYER ROAD, WILLINGDON ISLAND,KOCHI-3, REP.BY ITS MANAGING DIRECTOR MR.VARGHESE P. MATHEW.

2. MR.VARGHESE P.MATHEW, MANAGING DIRECTOR, M/S.PARKSON B.SQUARE PROJECTS AND PROPERTIES PVT.LTD, A.P BUILDING, G.V IYYER ROAD, WILLINGDON ISLAND,KOCHI-3.

3. MR.DENNIS GEORGE, DIRECTOR, M/S.PARKSON B.SQUARE PROJECTS AND PROPERTIES PVT.LTD, A.P BUILDING, G.V IYER ROAD, WILLINGDON ISLAND, KOCHI-3.

4. MR.V.BALAKRISHNAN, DIRECTOR, M/S.PARKSON B SQUARE PROJECTS AND PROPERTIES PVT.LTD,A/P BUILDING, G.V IYYER ROAD, WILLINGTON ISLAND, KOCHI-3.

BY ADV. SRI.P.SANJAY
SRI. A.PARVATHI MENON

RESPONDENTS: RESPONDENTS/COMPLAINANT

1. GEORGE VARKEY JAWAD COLD STORES, P.O BOX NO.430,BAHRAIN REP.BY HIS POWER OF ATTORNEY HOLDER, MR.MATHEW VARGHESE, S/O.N.G MATHEW.

2. STATE OF KERALA REP.BY THE PUBLIC PROSECUOTR.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.R. UDAYABHANU, J.**

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Crl. R.P. No. 1173 of 2007

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Dated this the 19th day of March, 2007.

ORDER

The revision petitioners stand convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, as follows:

The 1st accused -company is sentenced to pay a fine of Rs.10,000/- and the accused Nos. 2 to 4 are sentenced to undergo simple imprisonment for one month each and to pay a fine of Rs.85,000/- each and in default to undergo simple imprisonment for six months each. It is also directed that out of the fine amount, Rs.26,000/- shall be paid to the complainant.

2. The revision petitioners have only sought for modification of sentence and for time to make the payment. In the circumstances, sentence with respect to the accused Nos. 2 to 4 is modified to imprisonment till rising of the court. The rest of the sentence is confirmed. The revision petitioners are granted three months time from today onwards to make the payment. The revision petitioners 2 to 4 shall appear before

Additional Chief Judicial Magistrate, Ernakulam on **18.04.2007** to receive sentence.

The Crl. R.P is disposed of accordingly.

sd/- K.R. UDAYABHANU, JUDGE.

Rv

The amount mentioned as ₹26,000/- in the 1st paragraph of the final order dated 19.03.2007 in Crl.R.P. No. 1173/2007 is corrected and substituted as ₹ 2,60,000/- vide order dated 05.08.2014 in Crl.M.A. No. 4646/2014 in Crl.R.P. No. 1173/2007.

sd/- Registrar (Judicial)